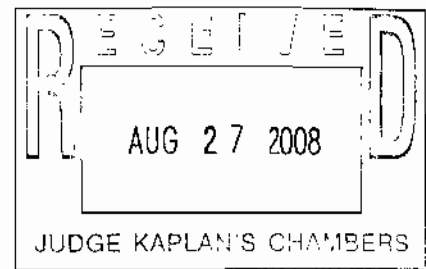
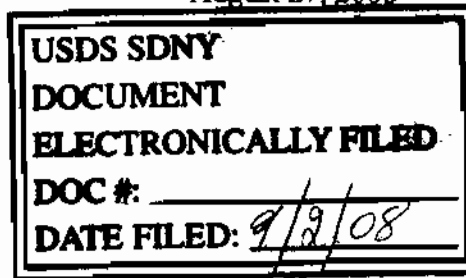


MEMO ENDORSED

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August 27, 2008



VIA FACSIMILE

The Hon. Lewis A. Kaplan
United States District Judge
U.S. Courthouse, 500 Pearl Street
New York, New York 10007

Re: Maria Jackson v. The Scotts Company, Index #: 08 Civ. 1064 (LAK)

Dear Judge Kaplan:

I represent the plaintiff in the above-referenced matter. I was released from Mount Sinai Hospital yesterday after a being there for two days. I am respectfully requesting an extension to the defendant's motion to preclude plaintiff from introducing evidence of damages in this action. My doctor is mailing me a doctor's note. Once I am in possession of said doctor's note I will provide you with it.

If you have any questions or concerns regarding the foregoing, please contact me at your earliest convenience.

Very truly yours,

Sandra D. Frelix
Sandra D. Frelix, Esq.

cc: Craig S. Friedman, Esq. via fax
Jones Day

SO ORDERED

Lewis A. Kaplan
LEWIS A. KAPLAN, USDC